

Howard E. Shafran, Esq. (#3423)
Shafran & Rock, PLLC
Attorneys for Plaintiff
Evan Hulick
730 Broadway
Kingston, New York 12401
Telephone: (845) 383-1170
Hshafran@HVC.RR.Com

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE: Bard IVC Filters Products Liability
Litigation

MDL NO.: 15-02641-PHX-DGC

This Document Relates to:

EVAN HULICK,

Plaintiff,

Case No.: CV17-3178 PHX DGC

v.

C.R.BARD, INC., a New Jersey
Corporation; and BARD PERIPHERAL
VASCULAR INC., an Arizona
Corporation, and NEOMETRICS, INC.,

**AMENDED MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS**

Defendants.

Plaintiff named below, for his Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364). Plaintiff further shows the Court as follows:

1. Plaintiff: Evan Casey Hulick
2. Spousal Plaintiff – not applicable.
3. Other Plaintiff – not applicable.
4. Plaintiff's State of residence at time of implant: NEW YORK.

5. Plaintiff's State of residence at time of injury: NEW YORK.
6. Plaintiff's current State of residence: NEW YORK.
7. District Court and Division in which venue would be proper absent direct filing:
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA
8. Defendants:
☒ C.R. Bard, Inc.
☒ Bard Peripheral Vascular, Inc.
☒ Neometrics, Inc.
9. Basis of Jurisdiction:

☒ Diversity of Citizenship

Other:
10. Defendants' Inferior Vena Cava Filter about which Plaintiff is making a claim:
Denali IVC implanted January 2, 2016. Explant on 9/22/16 with Bard recovery cone.
Migration issues – detachment of opaque marker ring of retrieval device.
11. Date of Implantation of each product: January 2nd, 2016 – Denali IVC filter
9/22/16 – Recovery Cone Retrieval System.
12. Counts in Master Complaint brought by Plaintiff:

Count I: Strict Products Liability – Manufacturing Defect

Count II: Strict Products Liability – Information Defect (Failure to Warn)

Count III: Strict Products Liability – Design Defect

Count IV: Negligence – Design

Count V: Negligence – Manufacture;

Count VI: Negligence – Failure to Recall/Retrofit

Count VII: Negligent – Failure to Warn

Count VIII: Negligent Misrepresentation;

Count IX: Negligence Per Se

Count X: Breach of Express Warranty;

Count XI: Breach of Implied Warranty;

Count XII: Fraudulent Misrepresentation

Count XIII: Fraudulent Concealment;

Count: XIV: Violations of Applicable New York Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices

Count XV: Loss of Consortium

Count: XVI: Wrongful Death

Count XVII: Survival

Punitive Damages

Other(s)

13. Jury Trial demanded for all issues so triable?

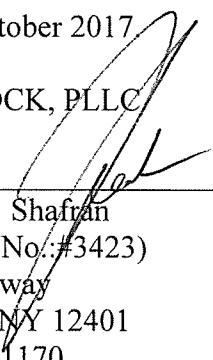
☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 12th day of October 2017

SHAFRAN & ROCK, PLLC

BY: _____


Howard E. Shafran
(NYS Bar No.: #3423)
730 Broadway
Kingston, NY 12401
(845) 383-1170
Negotiator519@gmail.com

To:

James R. Condo (#005867)
Amanda Sheridan (#005867)
SNELL & WILMER, LLP
One Arizona Center
400 E. Van Buren
Phoenix, AZ 85004-2204
Telephone: (602) 382-6000
JCondo@swlaw.com
ASheridan@swlaw.com

Richard B. North, Jr. (admitted *pro hac vice*)
Georgia Bar No.: 545599
NELSONS MULLINS RILEY & SCARBOROUGH, LLP
Atlantic Station
201 17th Street, NW, Suite 1700
Atlanta, GA 30363
Telephone: (404) 322-6000
Richard.North@nelsonmullins.com

Attorney for Defendants
C.R.Bard, Inc. and
Bard Peripheral Vascular, Inc.